

governments. Specifically, it minimizes state and local government plans, programs and policies and the important role these entities should play in final RMP decisions.

This rule is a prime candidate for Congressional analysis under the Congressional Review Act (CRA). I ask that you bring this rule to the full House for consideration under the CRA for a floor debate. The BLM can and must involve state and local governments in RMP decisions and it must respect the role of state and local governments.

Thank you for your consideration.

Sincerely,

MATTHEW H. MEAD,
Governor.

JANUARY 26, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.

Hon. CHARLES SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL, MINORITY LEADER SCHUMER, SPEAKER RYAN AND MINORITY LEADER PELOSI: As representatives of state and local governments and public lands stakeholders from across the United States, we encourage Congress to use its legislative authority to review the Bureau of Land Management's (BLM) Planning 2.0 rule. As partners with the federal government, we continue to encourage the BLM to engage in meaningful collaboration with local stakeholders during the development of policies and guidelines. And despite representations by the BLM to do just that, we remain unconvinced that Planning 2.0 in its final form does much to satisfy the objective of meaningful collaboration and consultation with non-federal governmental entities.

Robust coordination and cooperation between states and local governments and the BLM allows federal decision-makers to be responsive to the concerns of state and local government officials during policy development and sets the stage for more effective and efficient implementation of federal policies by involving multi-jurisdictional resources and expertise. Simply put, gathering meaningful, on the ground, input from the states and localities that will be most impacted by BLM's planning regulations is critical to ensuring a practical federal policy that works at the local level.

For years to come, the proposed Planning 2.0 rule will have a substantial impact on how the BLM engages with state and local government and manages its 245 million acres of public lands and 700 million acres of subsurface minerals. We encourage Congress to act to ensure BLM's Planning 2.0 rule does not go into effect and instruct the agency to work with intergovernmental partners to ensure the policy has benefited from meaningful, on the ground, collaboration with state and local governments.

Sincerely,

Alaska Municipal League; American Sheep Industry Association; Arizona Association of Counties; Arizona County Supervisors Association; Association of Oregon Counties; Eureka County, Nevada; National Association of Conservation Districts; National Association of Counties; National Association of State Departments of Agriculture; National Cattlemen's Beef Association; Nevada Association of Conservation Districts.

Nevada Association of Counties; Oregon Association of Conservation Districts;

Public Lands Council; Rural County Representatives of California; Utah Association of Conservation Districts; Utah Association of Counties; Western Interstate Region of NACo; Wyoming Association of Conservation Districts; Wyoming County Commissioners Association; Wyoming Stock Growers Association; Wyoming Wool Growers Association.

□ 1445

Ms. CHENEY. Mr. Speaker, we know that government that is closest to the people is best. What we have seen over the last 8 years, unfortunately, in Washington, D.C., has been a massive expansion of the authority and the overreach of the Federal Government under the Obama administration. We have seen a number of instances where agencies have acted outside of the law, in some instances outside of the Constitution.

BLM 2.0 is an example of where this agency is acting completely outside of the law. There is absolutely no legal authority, no statutory language on which they can base this rulemaking, on which they can base the fundamental changes that they are making and the fundamental power grab that they are making.

It is hugely important for us, as we go forward here, to make sure that we have done everything we can to roll back regulations that are really killing our jobs, that are preventing people in our local communities from being able to make a living, from being able to consistently graze, for example, on these public lands. It is absolutely outside of the law to have a situation, as 2.0 would create, where people who have never been to these lands, people who, frankly, may not even be in the United States, have just as much a say in how we manage our lands as a rancher who has got to graze on those lands or as the county commissioners who are charged with making decisions about those lands.

A number of my colleagues on the other side of the aisle have mentioned today the thousands of comments that the BLM sought as they were going through this rulemaking process. The problem is that there is very little evidence that any of those comments were taken into account in the final rulemaking. As I mentioned earlier, the track record with respect to the BLM listening to and being willing to take into account local concerns is a very bad one in which you have got State agencies that are led to believe they will have an impact and then find themselves having radio silence, essentially, from the BLM.

Mr. Speaker, Planning 2.0 is a dangerous and damaging rule. Overturning it today, through the Congressional Review Act, through this joint resolution, will enable us to begin to restore authority where it belongs: with our local communities, with our local elected officials. Those who are closest to the land, those who have to work on the land, those who make a living on

the land are the absolute best stewards of our land and of our resources.

Mr. Speaker, I urge the adoption of this measure to repeal BLM Planning 2.0.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 91, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO TEACHER PREPARATION ISSUES

Mr. GUTHRIE. Mr. Speaker, pursuant to House Resolution 91, I call up the joint resolution (H.J. Res. 58) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to teacher preparation issues, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 91, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 58

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to teacher preparation issues (published at 81 Fed. Reg. 75494 (October 31, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. GUTHRIE) and the gentlewoman from California (Mrs. DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 58.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.J. Res. 58. The purpose of the resolution under consideration is simple: reining in the Federal role in education and protecting State and local control promised to students, parents, and education leaders.

Under the Higher Education Act, teacher preparation programs are required to provide certain information to State leaders to help determine the effectiveness of those programs. The State then submits an annual report card to the Department of Education that highlights the quality of their teacher preparation programs. Additionally, the Higher Education Act provides TEACH Grants to high-achieving students who commit to teaching math, science, reading, or a foreign language at high-needs schools. To ensure taxpayer dollars are being used responsibly, the law requires that grant recipients attend an institution that provides high-quality teacher preparation and professional development services.

In 2012, the Obama administration began a rulemaking process to develop Federal criteria for State teacher preparation report cards. For the first time, and without congressional authorization, the rule that came out of that process tied eligibility for TEACH Grants to the State's teacher preparation report card. That flawed and controversial rule is the reason we are here today.

We all agree that accountability is important, particularly when it comes to ensuring our students receive the high-quality education they deserve. However, it is also important that State and local leaders have the flexibility they need to make decisions that affect the schools and programs in their local communities.

Teacher preparation should be addressed through reauthorization of the Higher Education Act, not unilaterally by executive fiat. That is exactly what the Obama administration did by forcing its one-size-fits-all approach to education on teacher preparation programs. The rule requires States to track new teachers across three performance levels: student learning outcomes, employment outcomes, and employer surveys. In doing so, it essentially creates a Federal mandate for teacher evaluations that Congress explicitly rejected with the Every Student Succeeds Act. The regulation assumes the Federal Government knows better than local education leaders when it comes to what makes an effective teacher. And to make matters worse, it will also result in fewer teachers opting to teach students in low-income neighborhoods and schools.

Teachers play an important role in helping students learn and succeed both in and out of the classroom. Unfortunately, as it did so often, the Obama administration overreached and

took a flawed approach to preparing teachers to meet the needs of their students. The teacher preparation rule blatantly ignores the principles guiding recent bipartisan education reforms and will make it more difficult for State and local leaders to help ensure teachers are ready to succeed.

The resolution under consideration, H.J. Res. 58, will block the implementation of this misguided policy and protect State and local control over decisions affecting their teachers and students. The Federal Government has played too large a role in education for far too long. I urge my colleagues to vote in support of this resolution and help rein in the Federal Government's role in education.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong opposition to H.J. Res. 58, which would dismantle key protections of teacher preparation programs. Unfortunately, this joint resolution is part of a much larger effort by my colleagues to remove crucial safeguards from the education sector and move us backwards.

In my time on the San Diego School Board, the California legislature, and the House Committee on Education and the Workforce, I found one thing to be a constant: studies find time and time again that a quality teacher makes the most important impact on a child's success in school.

So I am finding it difficult to understand why anyone would support this joint resolution that decreases the quality of the very programs responsible for training our teachers.

H.J. Res. 58 undoes years of hard work on both sides of the aisle to develop vital safeguards that ensure transparency and quality in teacher preparation programs. This provision plays a significant role in ensuring that teaching programs across the country work with educators to develop curriculum that trains teachers most effectively. Beyond this specific protection, it is important to keep in mind the damage that Congressional Review Acts can do to key safeguards on the books.

H.J. Res. 58 takes away the possibility of the Department of Education coming back to rethink these protections and takes a sword to the language where a scalpel should be used.

I know that many of my colleagues have concerns about the burdens that these protections have on our schools. Rightly so. But it is important to remember that, behind many of these safeguards, there is a student whose future is at stake.

I have heard countless stories from students in my district who have been defrauded by schools that they trusted with their time and their money. I think it is important to remind my colleagues across the aisle that those are the people who we have been elected to

serve, students who seek higher education as a means to a brighter future and often find themselves no better off at the end of years of hard work.

So if my Republican colleagues want to discuss changes to the teacher preparation program provisions when we hopefully reauthorize the Higher Education Act this Congress, I am certainly open to having that discussion. If they want to get creative about increasing the quality and the efficiency of our schools, I will be the first person to sit down and have those discussions.

But if they want to deregulate just for the sake of deregulation, well, I have to stand up for our students. If they want to, as Jerry Falwell recently implied, undo vital components of title 9 safeguards against sexual assault on our campuses, I am hopeful that my colleagues from both sides of the aisle will refuse.

Mr. Speaker, we were elected to this House to protect all of our constituents, including the most vulnerable members of our society. Nowhere is that more critical than where it pertains to the young people who are the most important investments that we can make as a country.

For every student who is defrauded by a school, not given an opportunity because of their socioeconomic background, or drowning in debt, we are holding back one more person who could be contributing to our economy and to our society. We are giving one more person the wrong start in their adult lives, and the impact of that debt often affects their parents, their spouses, and children for years.

I hope that my colleagues realize that it is in our best interest to protect students and not corporations. That it is in our best interest to safeguard equity and accessibility in our schools, and not for-profit schools who donate millions to encourage deregulation.

I am hopeful that instead of taking an ax to the many protections that we developed for our students, my colleagues will join me in discussing the most responsible way, the best way that we can increase quality and efficiency in our schools.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. ROE.)

Mr. ROE of Tennessee. Mr. Speaker, I rise today in support of H.J. Res. 58, which nullifies the teacher preparation issues rule finalized by the Department of Education in October of 2016.

Mr. Speaker, it is an unfortunate situation that we find ourselves in when I consistently hear from educators that they are spending more and more time trying to comply with misguided rules from the Federal Government instead of teaching our children and grandchildren.

The Department of Education and the Obama administration have acted as if they know what type of teacher is best for east Tennessee instead of the

people living and working there every day. I want nothing more than to have the best teachers in our classrooms teaching children all across this country, but burdensome one-size-fits-all regulations from the Federal Government that emphasize bureaucracy and compliance instead of a student education is not the way to get there.

□ 1500

The teacher preparation regulations put forth by the Obama administration are yet another example of misguided Federal overreach that would burden schools, institutions of higher education, and States. These regulations are unfunded and would impose extensive data collection requirements on States, colleges, and universities. And one university, Mr. Speaker, in my State spends \$150 million a year complying with government regulations.

Under these regulations, institutions of higher education that do not meet the rules requirements could lose access to Federal financial aid, which is yet another example of the prior administration using the regulatory process to bypass the legislative process. Both the School Superintendents Association and the National Governors Association have highlighted how these regulations are a significant intrusion on the role States play in ensuring accountability for teacher preparation. The American Association of Colleges for Teacher Education has indicated that these regulations are likely to exacerbate teacher shortages in areas where they are critically needed, like special education.

When Congress passed on a bipartisan basis Every Student Succeeds Act, we expected the Obama administration would work to continue the momentum for giving States and local school districts the flexibility they needed to help kids learn. The administration went in the opposite direction, which is why I encourage my colleagues to support this resolution.

Mrs. DAVIS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DANNY K. DAVIS).

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from California (Mrs. DAVIS) for yielding.

I rise in strong opposition to H.J. Res. 57 and 58 that undermine equity in public education.

Until I moved to Chicago when I was 19, I attended segregated schools because our States failed to follow Federal laws and the Federal Government demonstrated weak enforcement. The Civil Rights Act and the Elementary and Secondary Education Act advanced equal educational opportunity for African-American students and other students who faced discrimination and barriers in education, making this country stronger and better.

During Black History Month, the GOP will advance a bill to undermine the educational civil rights of African-American students. The scope of this

joint resolution of disapproval clearly reflects the discrimination and the intent. It doesn't target a narrow regulation. It encompasses each of the critical civil rights elements of ESSA—data collection and reporting to ensure transparency about whether schools are educating vulnerable students comparably to other students, and accountability to ensure that schools take action to improve and receive support in meeting the needs of all students. To do so leaves States confused and Federal protections for disadvantaged students hollow.

H.J. Res. 57 is an extreme, calculated effort to promote discrimination, removing any transparency and accountability related to educational civil rights.

African-American students do not yet have equal educational opportunity. Black students are suspended and expelled three times the rate that their White peers are, only about two-thirds of Black students graduate high school on time compared to 86 percent of White students, and one in three Black men who start as a full-time student at a university graduate with a bachelor's degree within 6 years.

Students with disabilities, English language learners, low-income students, Latino students, and Native-American students also do not yet enjoy equal educational opportunity. This resolution will erase this data and allow schools that continue these disparities to continue performing poorly in perpetuity.

Out of respect for our country's history of educational discrimination against vulnerable students, out of respect for Black History Month, and out of respect for the American value of equal opportunity, I ask my colleagues to reject this discriminatory resolution.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. MITCHELL), my friend.

Mr. MITCHELL. Mr. Speaker, I thank the gentleman from Kentucky (Mr. GUTHRIE) for yielding.

Mr. Speaker, I rise in support of H.J. Res. 58. I am pleased to join Congressman GUTHRIE as a cosponsor.

As a parent, I know the critical difference teachers can make in a student's life. That is why many young people choose the path of education as their career and their mission.

This rule creates an arbitrary tie between teacher preparation programs and student test scores. What is worse, this rule unfairly discriminates against teachers who commit to teaching STEM subjects or different languages—critical subjects already facing a teacher shortage and occupations desperately seeking skilled employees.

In Michigan—my home State—teacher training program enrollment declined 38 percent between 2008 and 2013. The number of people who actually pursue teaching after going through a prep curriculum declined by 26 percent. We face a teacher shortage in Michigan and nationwide.

I frequently hear from the people I serve, teachers and parents in my district, that they are disheartened and frustrated by the Federal Government's overreach and arrogance that turns educating young people into a test score.

Mr. Speaker, let's return authority where it belongs with teachers and, more importantly, parents.

Mrs. DAVIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ESPAILLAT).

Mr. ESPAILLAT. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in strong opposition to H.J. Res. 58, which would gut States' teacher preparedness programs.

This rollback is just one of many attempts by Republicans to dismantle the Department of Education by stripping its oversight and enforcement authority. The Trump administration has already made it clear its lack of regard for public education by picking an unqualified nominee to head the Department, and congressional Republicans are falling right in line by attempting to remove important rules to improve teacher preparedness.

This rule came into place as part of the bipartisan reauthorization of the Higher Education Act. The reauthorization brought consensus measures to improve teacher training. But given the opportunity, Republicans are willing to forego public education all together by using the CRA to prevent the Department from overseeing State-led initiatives. And there is the crux of it. These initiatives are State-led and allow great levels of flexibility, provisions that Republicans championed during reauthorization. Now, they want to take advantage of an obscure congressional provision, used only once in our history prior to this Congress. This will tie the hands of future administrations from improving the transparency and quality of teacher preparedness programs.

If Republicans are happy with the rule and want to change it to improve the quality of education, this administration should use existing administrative tools to amend and revise the regulation. But that is not what this is about. This is about dismantling our public education system. Congressional Republicans want blanket deregulation of Federal education programs in order to allow States to ignore laws intended to protect disadvantaged students.

I invite my Republican colleagues to bring forth a plan that improves rules protecting our students, not to dismantle them. But this is simply not the way. I implore my colleagues to abandon this backdoor workaround and to work in a bipartisan fashion, like we did when Congress reauthorized the HEA, to develop ways in which we can improve public education for all of our children.

Mr. GUTHRIE. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Mr. Speaker, I rise in opposition to H.J. Res. 58, which would undermine the requirement that States assess the quality of their teacher preparation programs and weaken efforts to provide educators with high-quality teacher preparation programs.

There is no doubt that our country needs highly skilled and diverse educators, and that means attracting good people by providing them with high-quality preparation and ongoing support, especially early in their careers. Many teacher preparation programs are meeting this charge—recruiting diverse candidates, offering rigorous practicums, and providing supports that follow them into their classrooms.

But some programs are still preparing large cohorts of educators for fields that are not in demand. And, according to one survey, more than 60 percent of teachers still enter the classroom feeling unprepared for one of the toughest, most important jobs in America.

Many of us readily agree that the regulations governing transparency and program quality for teacher preparation are not perfect. But, let's remember that this resolution would effectively demolish key provisions at the Higher Education Act, which was last reauthorized in 2008, and in which Members from both sides of the aisle agreed that States needed to provide better data on the quality of their teacher preparation programs.

If the rules for improving teacher preparation programs are unnecessary, as my friends across the aisle may contend, I would ask them to explain why critical sections of the Higher Education Act remain largely unimplemented, nearly a decade after Members of Congress wrote the requirements into law. Without regulations, provisions of the 2008 reauthorization will continue to go unfilled. Taxpayer-funded grants will continue to support ineffective programs for teachers in high-needs schools.

The truth is, Democrats and Republicans could probably reach consensus about how we might like to see these regulations amended and improved. I am sure we all support robust data on how new teachers are performing and being supported in the classroom. And I am sure we all support States and institutions using data to continually strengthen their preparation programs.

But, unfortunately, my Republican colleagues appear unwilling to have that conversation about how to give teacher preparation programs the tools they need to improve. Instead, they have offered this resolution that would essentially guarantee that important provisions in law are never fully implemented by this administration, or a future administration, because this resolution is under the Congressional Review Act, which, until recently, has been used successfully only once. It is

a blunt instrument that actually bans Federal agencies from providing similar protections in the future.

So instead of fixing the teacher preparation regulations and upholding congressional intent in the Higher Education Act, supporters of this resolution are turning their backs on the law. The resolution is an overreaction. It appears to be part of a dangerous agenda to do permanent damage to the Department of Education's important oversight and enforcement responsibilities.

I urge my colleagues to oppose this and work together on amending the regulations.

Mr. GUTHRIE. Mr. Speaker, I yield myself 2 minutes.

I need to explain what we are doing here. We are not changing the report card that schools have that teacher preparation programs have to provide.

This rule says that if a school doesn't score well on its report card then students in that program can't get TEACH grants, which tries to focus on getting teachers from teacher programs into challenging schools. So what happens is, if you are an outstanding student and you are trapped in a school, let's say, because where you can afford to go is not performing well, then based on your school not performing well, not on the merit of that future teacher, they are not allowed to get a TEACH grant. That is what we are trying to prevent here.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I just want to comment because I was a little confused by what the gentleman said. I believe that we want to be sure that teachers who get TEACH grants are doing that at schools that have shown the capacity and the ability to really help children achieve. And so that is why we want to direct them into those schools particularly.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I rise in opposition to this measure. And I do so as someone who, in 2008, actually was a member of the conference committee when we passed the reauthorization of the Higher Education Act. Unfortunately, that is the last time Congress has moved forward, and we are about 3 or 4 years overdue in terms of modernizing and updating that law.

But I can tell you, Mr. Speaker, having been to the meetings—and we actually met as conferees and we had votes and we had discussion, unlike a lot of the short-circuited processes that unfortunately dominates most of our business these days—it was a healthy process.

□ 1515

This issue of teacher preparation in setting up standards was totally noncontroversial. There were a couple of items on which the two sides actually debated, but this one was a no-brainer. It just makes perfect sense that we

want to make sure that there is at least a minimum standard out there to make sure that kids are getting the opportunities they need, particularly with the changing demands and needs of the workforce.

What also just sort of astonishes me is the manner in which this regulation was issued, which was only last October. The ink is, really, barely dry on it. We have a new incoming administration with a new Secretary, whom I will talk about in a second, and they have more than ample opportunity to go back into the regulations process and amend it, make changes, if they so choose. Instead, rather than using a scalpel, we are using a chain saw to basically carve out, in essence, a section of the law because the ability of the Department's to go back and do a similar regulation is not allowed under the Congressional Review Act.

This is a measure which, as I said, was just totally noncontroversial, on which we had a very strong vote, by the way, in terms of the final result of the conference that took place back in 2008, and the process that is being used is just tremendous overkill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. DAVIS of California. I yield the gentleman such time as he may consume.

Mr. COURTNEY. Mr. Speaker, frankly, I think, as we stand here today in the Chamber—and just an hour or so ago, we had a Secretary who was confirmed in an unprecedented procedure during which the Vice President had to come in and break the tie—it, unfortunately, has the look of, really, being part of a pattern that we are seeing emerge here with the confirmation hearing process during which the incoming Secretary showed almost no regard for the notion of accountability in terms of charter schools and voucher programs, which, for the taxpayer and for the kids and the parents who really depend on our education system, is just a totally unacceptable approach.

As I said, this CRA bill on the teacher preparation program is just part of the same cloth. It is saying that we are just going to carve out a section which was a totally bipartisan, commonsense provision back in 2008 and that we are going to handcuff the ability of the Department to even come in with a substitute. The chances of Congress, at this point, coming in with new legislation—I mean, I am the eternal optimist. Hopefully, that will happen, but it sure hasn't happened over the last 3 or 4 years since the HEA, Higher Education Act, expired.

This is really, I think, a very unfortunate effort that is being put forth here on the floor. As I said, given what is going on with the Department and the vote that took place here earlier today, for those who really care about making sure that our free public education system, which has been, basically, part of America since Abraham Lincoln first proposed it back in the

middle of the Civil War, we need to be totally on guard—on standby—to make sure that the taxpayer is protected in terms of making sure these grant programs go to school districts and systems that are actually following through with programs of value and to make sure that we protect the pillars of public education. Anyone watching that confirmation process over in the Senate, I think, was extremely worried and alarmed, which is why, I think, we had this avalanche of emails and calls that came in all across the country during that process.

I strongly urge a “no” vote for all of the reasons I have stated.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BUDD).

Mr. BUDD. I thank the chairman.

Mr. Speaker, H.J. Res. 57, which we will be voting on today and discussing and debating in a few moments, would overturn an administration rule on school accountability standards that were finalized back in November.

Congress passed a law last year with the intent of giving power back to States and to local communities, but unelected bureaucrats at the Department of Education finalized this rule last year which, ultimately, could force Common Core standards on States that don't comply.

We see this time and time again. Congress will create a law, and then an agency that is filled with unelected officials disregards the will of the people by writing regulations as it sees fit. Every American, in putting aside one's personal ideology, can agree that an important issue like how we educate our kids is not something that we should decide here in Washington. In the months and the years to come, we should welcome a continued debate about whether the fate of a child's education should be decided in Washington or if a child's education should be more personalized at the State and the community levels. In my view, dictating specific accountability requirements from Washington and punishing those who don't meet those standards is a losing prescription.

It is my hope that every kid in my district, in North Carolina, and around the country has a quality education. I think that is the hope of my colleagues, too. The more we think that Washington has all of the answers, the further we get away from our founding vision of a limited Federal role in our lives, especially in something as personal as education.

It will be debated in a few moments, but I do urge a “yes” vote on H.J. Res. 57.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

We are actually talking about two of these joint resolutions, both H.J. Res. 57 and H.J. Res. 58, and are looking at accountability measures. Sometimes I think people forget, actually, that the first time that Common Core was men-

tioned in Federal law was in ESSA, the most recently reauthorized legislation for elementary and secondary education. That was done because we agreed to do that, because we felt that it was important to call it out while, at the same time, being careful to look at our local and our State authorities and have them come together and make the decisions that they think are best for their students. That has been the tradition, and that is why it is important that we have those folks in place in our local school districts.

As a former school board member, I know that those are where the real decisions are made for kids, but we need to see in which area and why we have a Federal role. I think, even at the hearing that we had in the Education and the Workforce Committee today, the Republicans' witnesses acknowledged that there is an importance of a Federal role. It is in accountability and responsibility and in acknowledging that sometimes it is important to give direction to States and to give direction to local school districts as well.

That is really what we are trying to do here. We are trying to do it in a smart way, and we are trying to do it in a way so that we can realize, in the future, there may be changes that need to be made and that those changes may require Congresses of the future to look at particular protections and see if they are redundant, if they are necessary, or if, maybe, they take us in the wrong direction. What we are talking about today gives us no hope that we will be able to do that. We are basically writing in stone that we will never have to go back—that we can't go back—and look at some of those protections. That is the wrong thing to do.

We all know that, with one protection or another, of course, there can be problems. We don't want to ignore that, but we want to be sure that, particularly when we are looking at teacher prep programs, for example, we are looking at the data that is coming together that suggests whether some programs are more beneficial for the achievement of young people in our schools than others.

Boy, I sure hope as a school board member that we have the information that is available to people, because we can get that at a national level that we can't necessarily all get at the State level. It is important to know what processes are in place. Some of these protections that the Federal Government has created are giving direction to that. They are saying here are ways to look at your program and decide whether, in fact, they are doing exactly what you think they should be doing.

The most important part is that we are getting feedback from our teachers. This is a process that is so critical, that of having people who are on the ground who know what they are talking about. We are responsive to that, and those were some of the processes that we used in the Department of Edu-

cation as well. I am not going to tell you that each one is perfect. I just want us to have a way to look at them and to understand how they impact our teachers. I want all teachers who want to succeed with kids, who are not in teaching for financial reimbursement, to be there because they really believe in kids and because they believe in their ability to succeed, and they want to be sure that they have the tools, that they have the resources, to do that. Many of the protections that we are talking about provide that kind of help and assistance.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce.

Mr. SCOTT of Virginia. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in opposition to H.J. Res. 58, the joint resolution of disapproval of the rule submitted by the Department of Education relating to teacher preparation programs.

This resolution would not only block the rule in question, but according to the rules of the CRA, it would tie the hands of this and of any future administration from re-regulating the provisions until a successful reauthorization of the Higher Education Act might take place.

Mr. Speaker, this rule in question provides clarity to States on how to increase teacher preparation program quality, transparency, and the equitable distribution of well-prepared teachers. It was promulgated to enable compliance with the statutory provision included in the 2008 reauthorization of the Higher Education Act.

According to a study by the Education Schools Project, more than 60 percent of new teachers feel unprepared to enter the classroom. We also know that disadvantaged students are taught disproportionately by new, inexperienced, and underprepared teachers. Congress sought to address this in the HEA reauthorization through the inclusion of requirements that are clarified by this regulation. Congress clearly intended for these equity-focused provisions to be meaningfully implemented; however, absent Federal regulation, the bipartisan intent of Congress has gone unfulfilled.

Despite statements made by many on the other side of the aisle, the Department of Education did engage in extensive consultation with stakeholders and the public in drafting and then in finalizing this rule. The draft rule put forward in 2014 lacked the appropriate flexibility and was met with overwhelming resistance. Through an extended comment period, the Department worked for more than 2 years to revise the rule and produce a final rule with considerably more flexibility for States and institutions.

Regardless of how flexible the rule is or not, I believe that, upon careful review of the regulation and the statutory provisions, the final rule is clearly within the scope of the agency's regulatory authority. Whether one thinks

the rule is perfect or flawed, the substance of the final rule is reasonable and is clarifying an interpretation of how to comply with statutory requirements.

It is now 2017. Federal requirements to improve teacher preparation program quality and transparency have gone largely unfulfilled since the 2008 reauthorization. In such an instance, it is well within the purview of the implementing agency to regulate and more clearly interpret statutory requirements to prompt meaningful compliance and inform Congress and the agency in subsequent reauthorizations.

The executive overreach or illegality of a rule and the disagreement with the substance of the rule are not two sides of the same coin. Republicans now control the executive branch. President Trump has administrative tools at his disposal to revise or to completely rewrite this regulation. It is clear, based on the history of the implementation of these provisions, that regulatory clarity is necessary. The responsible approach would be to utilize those tools to improve the regulation.

In the history of the Congressional Review Act, Congress has only used it once to disapprove a regulation. Instead of engaging in the hard work of governing by revising the teacher preparation rule, my colleagues have resorted to this act of repealing yet another rule that is meant to support our Nation's families and children. It is unnecessary, and we must recommit to doing the right thing for those whom we serve.

I urge my colleagues to reject this resolution.

□ 1530

Mr. GUTHRIE. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself the balance of my time to close.

I think this has been a good discussion, and I think that the hearing that we had today was even an opening as well at looking at this issue.

I think no matter what side of the aisle one was on, you couldn't necessarily distinguish the witnesses because it was important that we say that there is a smart way to do this and, frankly, there is kind of a stupid way to do it. Because we want to be sure that the consequences of our actions are not ones that would be impacting our children down the road.

So we have to go about this in a measured way, in a smart way. I actually believe that we all have the capacity to do that. There is no question in my mind that we can't do that in a way that really asks the right questions: Why are those protections there? Why did they establish those regulations and protections?

So that we can track and understand what is behind them.

I really do remember that, as a school board member, now and then, there was some frustration over some-

thing within the special education arena. But when you went back and you looked at why that came about, it was because there was a child who represented a problem in the system because we didn't do the right thing. We realized that it wasn't just that child, but it was many children who could be affected in the same way.

That is what we have to look at: Why are they there? How can we change them? How can we be smart about it and make sure that we don't do something that, in the end, will harm our education system and even impact those children who really are the most vulnerable that we would not want to impact under any circumstances?

So, Mr. Speaker, let's work together on this. Unfortunately, what this does today is it takes away that ability to use, I think, the goodwill of our committee to do the right thing. I hope that my colleagues will agree with that.

Mr. Speaker, I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Republicans and Democrats on both sides of the aisle have worked hard in recent years, particularly in the ESSA that we passed to make sure that we have local control of education, the idea that reforms that State and education local leaders know best. I think the same is true for teachers.

It is vitally important that we have teachers that are prepared to succeed. We want the best and brightest in the classroom that help ensure our students receive the quality education they deserve.

This resolution will put an end to this rule that will have negative consequences, I believe, for teachers and students; but it will allow us to address teacher preparation responsibly. Article I of the Constitution gives the legislative powers to Congress. So we don't just need to say: There's a new administration in town, let them fix it.

What we need to say is that it is Congress' job, through working together, to pass the law and reauthorize higher education that will ensure that we have quality teachers in the classroom teaching our children.

So I urge my colleagues to put a stop to this rule and vote "yes" on H.J. Res. 58.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 91, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF RULE SUBMITTED BY DEPARTMENT OF EDUCATION RELATING TO ACCOUNTABILITY AND STATE PLANS

Mr. ROKITA. Mr. Speaker, pursuant to House Resolution 91, I call up the joint resolution (H.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 91, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Education relating to accountability and State plans under the Elementary and Secondary Education Act of 1965 (published at 81 Fed. Reg. 86076 (November 29, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. ROKITA) and the gentleman from Colorado (Mr. POLIS) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. ROKITA. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.J. Res. 57.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROKITA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.J. Res. 57.

Mr. Speaker, I was here also on this floor listening to the debate that just finished on H.J. Res. 58, and I have a feeling a lot of the same things are going to carry over because we are dealing with the same Department. In fact, we are dealing with the prior administration generally.

I was struck by the words that we need to "give direction to the States." I think, by definition, those words demonstrate how one side here thinks that they know best; that their judgment is somehow better than the judgment of governors, of State legislators,